

**3234. Adulteration of tomato pulp. U. S. v. 300 Cases, More or Less, of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5468. S. No. 2042.)**

On December 19, 1913, the United States Attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of an article of food contained in 300 cases, more or less, purported and represented to be tomato pulp, remaining unsold in the original unbroken packages and in possession of the Morgan Steamship Co., at Galveston, Tex., alleging that the product had been shipped on November 29, 1913, by the Hartlove Packing Co., Baltimore, Md., and transported from the State of Maryland into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "B. R. Co. Kennedy Texas." The cans in 150 cases were labeled: "Calhoun Brand Tomato Pulp—Made from Tomato Pulp and Trimmings—Contents weigh 10 oz. Calhoun Brand—Hartlove Packing Company, Baltimore, Md." The cans in the remaining cases were labeled: "Calhoun Brand Tomato Pulp. Contents 11 ounces or over. Packed by Hartlove Packing Company, Baltimore, Md."

It was alleged in the libel that the product was adulterated by being partly decomposed and putrid and that so being partly decomposed and putrid made the same deleterious and might render the same injurious to health.

On January 14, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

**3235. Adulteration and misbranding of cognac or cognac type liquor. U. S. v. The Nectar Co. Plea of guilty. Fine, \$250. (F. & D. No. 5470. I. S. No. 20803-d.)**

On January 31, 1914, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Nectar Co., a corporation of New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 4, 1912, from the State of New York into the State of Missouri, of a quantity of cognac type liquor which was adulterated and misbranded. The product was labeled: (On each case) "Casnon Frères et Fils Brand Cognac Type Serial No. 26497—N. Co. New York—Fragile—Glass with care This side up Samuel Epstein 520 Clark Ave., St. Louis, Mo." (and design of three stars). (On each bottle) "C. F. et Fils (design of grape vine and bunches of grapes) Casnon Frères et Fils Brand Cognac Type Guaranteed to meet the requirements of the National Pure Food Law. Serial No. 26497. Registered U. S. Patent Office."

Analysis of samples of the product by the Bureau of Chemistry of this department showed the following results:

**Analysis No. 1:**

Solids (parts per 100,000, 100° proof alcohol)-----	105.3
Acids, total, as acetic (parts per 100,000, 100° proof alcohol)-----	8.5
Esters, fixed, as acetic (parts per 100,000, 100° proof alcohol)-----	16.7
Aldehydes, fixed, as acetic (parts per 100,000, 100° proof alcohol)---	2.4
Furfural (parts per 100,000, 100° proof alcohol)-----	0.2

## Analysis No. 2:

Proof (degrees) -----	84.3
Fusel oil (parts per 100,000, 100° proof alcohol) -----	21.0
Color (degrees, Lovibond, 0.5 inch cell) -----	8.3
Color, insoluble in water (per cent) -----	80.0
Color, insoluble in amyl alcohol (per cent) -----	43.0

The above results show that the product is largely neutral spirits.

Adulteration of the product was alleged in the information for the reason that a substance other than cognac or cognac type of liquor had been mixed and packed with it so as to reduce, or lower, or injuriously affect its quality or strength, and in that imitation cognac had been substituted wholly or in part for cognac or cognac type of liquor, which the article was represented to be. Misbranding of the product was alleged for the reason that the statement "Casnon Frères et Fils Brand Cognac Type," borne on the original shipping packages and the bottles in which said article was shipped and sold, was false and misleading because, as a matter of fact, said cases did not contain cognac or a cognac type of liquor, but did contain imitation cognac. Misbranding was alleged for the further reason that the article was an imitation cognac and was offered for sale under the distinctive name of cognac. Misbranding was alleged for the further reason that the article was labeled and branded so as to purport it to be a foreign product, when, as a matter of fact, it was not a foreign product, but was manufactured in the United States of America.

On February 9, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$250.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

**3236. Adulteration of tomato pulp. U. S. v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5479. S. No. 2047.)**

On December 13, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of tomato pulp, remaining unsold in the original unbroken packages and in possession of Lubin and Sitomer, New York, N. Y., alleging that the product had been shipped on or about December 9, 1913, by the Andrews Packing Co., Wingate, Md., into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Asquith Brand Tomato Pulp—Made from tomatoes and fresh tomato trimmings with great care—Contents weigh 10 oz.—Asquith Brand—Packed by Andrews Packing Co., Crapo, Md." Adulteration of the product was alleged in the libel for the reason that it consisted of a decomposed substance, contrary to the provisions of section 7, subdivision 6, under "Foods," of the Food and Drugs Act.

On January 12, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.